

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**JAMES SEYMOUR,**

**Plaintiff,**

**v.**

**Civil Action 2:21-cv-313**

**Judge Sarah D. Morrison**

**Magistrate Judge Elizabeth P. Deavers**

**SCOTT CHRISTOPHER MILLER, et al.,**

**Defendants.**

**RULE 26(f) REPORT**

Pursuant to Federal Rule of Civil Procedure 26(f), a meeting was held March 18, 2021, and was attended by:

Michael Fradin, counsel for plaintiff James Seymour.

Cassandra Sark, counsel for defendants Scott Christopher Miller and the Village of Coolville, Ohio.

Counsel represent that, during the meeting, they engaged in a meaningful attempt to meet and confer on the matters outlined below.

1. **CONSENT TO MAGISTRATE JUDGE**

Do the parties consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c)?

  X   Yes             No

2. **INITIAL DISCLOSURES**

Have the parties agreed to make initial disclosures?

  X   Yes             No             The proceeding is exempt under Rule 26(a)(1)(B)

If yes, such initial disclosures shall be made by May 18, 2021.

3. VENUE AND JURISDICTION

Are there any contested issues related to venue or jurisdiction?

       Yes        X   No

4. PARTIES AND PLEADINGS

- a. The parties agree that any motion or stipulation to amend the pleadings or to join additional parties shall be filed by July 15, 2021.
- b. If the case is a class action, the parties agree that the motion for class certification shall be filed by N/A.

5. MOTIONS

- a. Are there any pending motion(s)?

  X   Yes             No

If yes, indicate which party filed the motion(s), and identify the motion(s) by name and docket number:

**Motion to Dismiss for Failure to State a Claim filed by Defendants Scott Christopher Miller and the Village of Coolville, Ohio.**

- b. Are the parties requesting expedited briefing on the pending motion(s)?

       Yes        X   No

6. ISSUES

Jointly provide a brief description of case, including causes of action set forth in the complaint, and indicate whether there is a jury demand:

Plaintiff, James Seymour, filed a Complaint against Defendants Scott Christopher Miller, Chief of Police for the Village of Coolville, and the Village of Coolville, Ohio, on January 23, 2021. The Complaint sets forth the following causes of action: First Claim against Defendant Miller – Violation of 42 U.S.C. § 1983 – Excessive Force; Second Claim against Defendant Miller – Violation of 42 U.S.C. § 1983 – Unlawful Seizure and False Imprisonment; Third Claim against Defendant Village of Coolville – Violation of 42 U.S.C. § 1983 – *Monell* Liability; Fourth Claim against Defendant Miller – R.C. § 2307.60 – Violation of R.C. § 2921.45 (Interfering with Civil Rights); Fifth Claim against Defendant Miller – R.C. § 2307.60 – Violation of R.C. § 2921.44 (Dereliction of Duty); Sixth Claim against Defendant Miller – R.C. § 2307.60 – Violation of R.C. § 2921.52 (Sham Legal Process); Seventh Claim against Defendant Miller – Negligence; Eighth Claim against Defendant Miller – Battery; Ninth Claim against Defendant Miller – Intentional

Infliction of Emotional Distress; Tenth Claim against Defendant Village of Coolville – Negligent Hiring, Training, and Supervision. Plaintiff's Complaint included a demand for a jury trial.

7. DISCOVERY PROCEDURES

a. The parties agree that all discovery shall be completed by December 15, 2021. The parties agree to schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and to file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If the parties are unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court. To initiate a telephone conference, counsel are directed to join together on one line and then call the Magistrate Judge's chambers or provide the Court with a call -in number.

b. Do the parties anticipate the production of ESI?   X   Yes        No

If yes, describe the protocol for such production: Counsel anticipates production of ESI in the form of e-mail, text messages, sound recordings, posts from social media accounts, and cell phone video recordings.

c. Do the parties intend to seek a protective order or clawback agreement? No

If yes, such order or agreement shall be produced to the Court by                     .

8. DISPOSITIVE MOTIONS

a. Any dispositive motions shall be filed by April 26, 2022.

b. Are the parties requesting expedited briefing on dispositive motions?

\_\_\_\_\_ Yes      X No

If yes, identify the proposed expedited schedule:

Opposition to be filed by \_\_\_\_\_; Reply brief to be filed by \_\_\_\_\_.

9. EXPERT TESTIMONY

- a. Primary expert reports must be produced by January 31, 2022.
- b. Rebuttal expert reports must be produced by February 28, 2022.

10. SETTLEMENT

Plaintiff will make a settlement demand by November 15, 2021. Defendants will respond by November 30, 2021. The parties agree to make a good faith effort to settle this case. The parties understand that this case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference. The Court refers cases to settlement throughout the year. The parties request the following month and year:

December, 2021

In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the settlement conference. The parties understand that they will be expected to comply fully with the settlement conference orders which require, *inter alia*, that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

11. RULE 16 PRETRIAL CONFERENCE

Do the parties request a scheduling conference?

X Yes, the parties would like a conference with the Court prior to it issuing a scheduling order. The parties request that the conference take place \_\_\_\_\_ in chambers X by telephone.

\_\_\_\_\_ No, a conference is not necessary; the Court may issue a scheduling order after considering this Report.

12. OTHER MATTERS

Indicate any other matters for the Court's consideration:

- Defendants request that Plaintiff provides quarterly (calendar year) reports pertaining to attorney fees and costs.

Signatures:

Attorney for Plaintiff:

/s/ Michael Fradin  
Counsel for James Seymour  
Bar #: 0091739

Attorney for Defendants:

/s/ Cassandra Sark  
Counsel for Defendants  
Bar #: 0087766

Date: 04/06/2021